IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 18355 of 2004

Between:

A.Demudu (E.450031), S/o Pothuraju,
Occ: Grade II Driver in APSRTC,Anakapally Depot,

Visakhapatnam District

..... PETITIONER

AND

1 The APSRTC, rep.by its Deputy Chief Traffic Manager (Rural),

O/o The Regional Manager, APSRTC, Visakhapatnam,

Visakhapatnam District
2 The Divisional Manager, APSRTC, Visakhapatnam,

Visakhapatnam District
3 The Depot Manager, APSRTC, Anakapalli Depot,

Visakhapatnam District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus directing the respondents to promote the petitioner to the post of Driver Grade-I by fixing his pay at appropriate place by adding (Notional increments) by taking his seniority from the date of initial appointment as Driver with all consequential benefits by considering his representation dated 22-09-2003 forthwith

Counsel for the Petitioner:MR.CHALLARI NAGESWARA RAO

Counsel for the Respondents: KUM.B.G.UMA DEVI

The Court at the stage of admission made the following :

ORDER:

The petitioner was appointed as a casual driver in the respondent-Corporation on 2-5-1985 and his services were regularized as a driver through the proceedings dated 30-1-1987. He was removed from service in the year 1992 by way of major punishment for unauthorized absence. The appeal preferred by him was allowed through the order dated 22-4-1992 reinstating him in to service by imposing the penalty of stoppage of two increments with cumulative effect and treating the period of absence from the date of terminal till the date of reinstatement as 'not on duty'. On 21-5-1993, he was issued another charge sheet. He received two punishments of removal and he was reinstated through the orders of the appellate authorities. The petitioner claims that he is eligible for promotion, but the respondents are not considering him for promotion as driver to the post of Grade I Driver.

The grievance of the petitioner is that though his juniors are promoted, his case was not considered. Therefore, he submitted a representation to the 1st respondent on 22-9-2003 reiterating his request, but no orders have been passed by the 1st respondent. Therefore the petitioner approached this Court seeking a direction to the 1st respondent to pass appropriate orders on his representation.

In the light of the circumstances explained by the petitioner, the 1st respondent is directed to examine the representation of the petitioner dated 22-9-2003 regarding his request for promotion as Grade I driver and pass appropriate orders within two months from the date of receipt of a copy of this Order, according to the existing rules and regulations. If the petitioner so desires, he may also make a fresh representation

before the 1st respondent for passing orders on his earlier representation.

The writ petition is accordingly disposed of. No costs.

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8-10-2004

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To

1 The Deputy Chief Traffic Manager (Rural), APSRTC,

O/o The Regional Manager, APSRTC, Visakhapatnam,

Visakhapatnam District
2 The Divisional Manager, APSRTC, Visakhapatnam,

Visakhapatnam District
3 The Depot Manager, APSRTC, Anakapalli Depot,

Visakhapatnam District

4 Two CD copies.